

**THIRTIETH DAY**  
(Monday, March 7, 1977)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Floyd L. Vick, United Churches of Luling, Luling, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 3, 1977, was dispensed with and the Journal was approved.

**REPORTS OF STANDING COMMITTEES**

Senator Creighton submitted the following report for the Committee on Economic Development:

**S.B. 615 (Amended)**

Senator Brooks submitted the following report for the Committee on Human Resources:

**S.B. 407**

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

<b>S.B. 802</b> by Clower	Natural Resources
Relating to the redetermination of the price of certain natural gas; and declaring an emergency.	

<b>S.B. 803</b> by Clower	Natural Resources
Relating to hearings and determinations on certain natural gas contract provisions; and declaring an emergency.	

<b>S.B. 804</b> by Moore	Human Resources
Relating to dentists, the practice of dentistry and its regulation; amending Section 2 of Chapter 267, Acts of the 52nd Legislature, Regular Session, 1951 (codified as Vernon's Ann. Civ. St. art. 4549), as amended; repealing all laws or parts of laws in conflict; providing a severability clause; and, declaring an emergency.	

<b>S.B. 805</b> by Brooks	State Affairs
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Relating to firemen's relief and retirement fund in cities of not less than 1,200,000; amending Chapter 432, Acts of the 64th Legislature, 1975, as amended (Section 17, Article 6243e.2, Vernon's Texas Civil Statutes).

**S.B. 806** by Schwartz

Intergovernmental Relations

Relating to the creation of the County Court No. 3 of Galveston County; changing the name of the Probate Court of Galveston County to the Probate and County Court No. 2 of Galveston County; relating to the jurisdiction, court reporters, and other provisions for the county courts of Galveston County; amending Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 1970-342, Vernon's Texas Civil Statutes), by adding Section 1b; amending Chapter 269, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1970-342a, Vernon's Texas Civil Statutes), by adding Subsection (c) to Section 2 and amending Sections 7 and 12.

**S.B. 807** by Truan

Intergovernmental Relations

Relating to temporary retirement and the return to duty of full paid firemen in certain cities; amending Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes), by adding Section 8A.

**S.B. 808** by Harris

Economic Development

Relating to the regulation and certification of landscape architects and landscape irrigators; amending Chapter 457, Acts of The 61st Legislature Regular Session, 1969, as amended (Article 249c, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 809** by Doggett

Human Resources

Relating to the defense of lack of privity of contract when the defendant is a manufacturer; amending Section 2.318, Business & Commerce Code; and declaring an emergency.

**S.B. 810** by Adams

Administration

Relating to the designation of the official site of the Mission of Nuestra Senora de los Dolores de los Ais for archeological purposes; and declaring an emergency.

**S.B. 811** by Mauzy

Jurisprudence

Relating to the requirement that certain contracts relating to real property and certain sales, releases, or assignments of those contracts be recorded with the county clerk, and providing penalties.

**S.B. 812** by Mauzy

Intergovernmental Relations

Relating to the composition of the First Administrative Judicial District; amending Section 1, Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes).

**S.B. 813** by Ogg

Jurisprudence

To amend Section 43.24 of the Texas Penal Code or its successor in function prohibiting the Sale, Distribution, or Display of Harmful Material to Minors; to amend the penalty provisions of Section 43.23 of the Texas Penal Code or its successor in function; providing a saving clause; and declaring an emergency.

**S.B. 814** by Hance

State Affairs

Relating to the registration and operation of certain fertilizer machinery; amending Subdivision (r), Section 1, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1, Vernon's Texas Civil Statutes); amending Section 169A, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Subsection (e).

**S.B. 815** by Jones of Taylor

Economic Development

Relating to valuation for ad valorem taxation of an interest in a mineral in place that is not being produced; amending Article 7174, Revised Civil Statutes of Texas, 1925, as amended.

**S.B. 816** by Braecklein

Economic Development

Relating to the time a corporation forfeits its right to do business in this state for failure to pay or report franchise taxes; relating to the personal liability of directors and officers for certain debts of corporations whose right to do business has been forfeited; amending Articles 12.14 and 12.15, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

**S.B. 817** by Braecklein

Economic Development

Relating to the procedure for the dissolution of a domestic corporation and for the withdrawal of a foreign corporation; amending Subsection (2) of Section A of Article 6.01, Article 6.06, Section A of Article 6.07, and Section A of Article 8.14, and adding Article 6.08 to the Texas Business Corporation Act.

**S.B. 818** by Braecklein

Jurisprudence

Relating to the conditions of a work-release sentence; amending Section 5, Article 42.03, Code of Criminal Procedure, 1965, as amended.

**S.B. 819** by Braecklein

Intergovernmental Relations

Relating to the approval and filing of subdivision plats in incorporated cities and towns and in counties; prohibiting local units of government from requiring the dedication for park purposes of any portion of a proposed subdivision or requiring payment of cash in lieu of such land dedication as a condition precedent to the approval of a subdivision plat; reserving to each local unit of government the unimpaired right to negotiate contracts with respect to acquisition of land for park purposes; reserving to each local unit of government whatever powers of eminent domain it may possess for the purpose of acquiring land for park purposes; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

**S.B. 820** by Snelson

Intergovernmental Relations

Relating to enacting the Southern Growth Policies Agreement.

**S.B. 821** by Snelson

Human Resources

Relating to autopsies on children who die suddenly and unexpectedly; recognition of the term "Sudden Infant Death Syndrome" as a cause of death certification when appropriate; directing the Texas Department of Health Resources to develop a program outline for consultation and information about "SIDS"; and declaring an emergency.

**S.B. 822** by Snelson

Natural Resources

Relating to the Parks and Wildlife Commission's authority to set the seasons, bag limits and means and methods of taking the wildlife resources in Trans-Pecos Counties; amending Section 61.204 of the Texas Parks and Wildlife Code (VAPC Article 978j-1, Section 13, Subsection f); and declaring an emergency.

**S.B. 823** by Snelson Human Resources  
Relating to the care after the age of 18 years of persons residing in facilities operated by the Texas Youth Council for orphans, half-orphans, and dependent and neglected children; amending Section 9a, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 5143d, Vernon's Texas Civil Statutes).

**S.B. 824** by Snelson Education  
Relating to the authority of school districts to charge student fees; amending Chapter 20, Texas Education Code, by adding Section 20.52.

**S.B. 825** by Snelson Education  
Relating to allowing certain vocational teachers credit for prior experience in a trade or industry for the purpose of determining minimum salary increments and retirement service credits; amending the Texas Education Code by adding Sections 16.317 and 3.27; and declaring an emergency.

**S.B. 826** by Snelson Economic Development  
Relating to licensing and regulation of counselors; and providing penalties.

**S.B. 827** by Patman Education  
Relating to education for mentally retarded persons under the care and control of the Texas Department of Mental Health and Mental Retardation; amending Sec. 1.04, and Chapter 30, Texas Education Code; and declaring an emergency.

**S.B. 828** by Truan Intergovernmental Relations  
Relating to increasing the jurisdiction of the Domestic Relations Court of Nueces County and redesignating the court the 277th District Court; making other provisions relative to the court.

**S.B. 829** by Doggett Human Resources  
Relating to fees for certified copies of vital statistics records; amending Section 21, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rule 54a, Article 4477, Vernon's Texas Civil Statutes).

**S.B. 830** by Doggett State Affairs  
Relating to public employees of the State of Texas; establishing uniform grievance procedures; providing for policies, practices and procedures for certain state agencies; defining terms; and declaring an emergency.

**S.B. 831** by Doggett Intergovernmental Relations  
Relating to the maintenance and disposition of certain county records; amending Subsection (a), Section 6, Article 1941(a), Revised Civil Statutes of Texas, 1925, as added.

**S.B. 832** by Jones of Harris Natural Resources  
Relating to the regulation, possession, and sale of native nongame wild animals; providing penalties; amending Chapter 43, Parks and Wildlife Code, by adding Subchapter K; amending Section 67.001, Parks and Wildlife Code.

**S.C.R. 54** by Braecklein Administration  
Granting Goodberry Construction Company permission to sue the State of Texas.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House, were read the first time and referred to the Committee indicated:

**H.B. 720**, To Committee on Human Resources.

**H.B. 502**, To Committee on Intergovernmental Relations.

**CO-AUTHOR OF SENATE BILL 775**

On motion of Senator Ogg and by unanimous consent, Senator Parker will be shown as Co-author of **S.B. 775**.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

**S.C.R. 51**

**S.B. 109**

**S.B. 391**

**H.C.R. 39**

**SENATE RESOLUTION 295**

Senator Jones of Taylor offered the following resolution:

WHEREAS, The Senate of the State of Texas salutes and congratulates a distinguished native son of Texas, Leon McAuliffe, for his contributions to his profession of country and western music; and

WHEREAS, Leon McAuliffe was born on January 3, 1917, in Houston, Texas, and acquired his first guitar from a pawn shop at the age of 14 for seven dollars; at age 16 he wrote the classic "Steel Guitar Rag" and the same year joined the Light Crust Doughboys of Fort Worth, Texas; and

WHEREAS, In March of 1935, he joined the legendary Bob Wills and the Texas Playboys in Tulsa where Leon continued to pioneer the modern steel guitar sound; in September, 1936, during a recording of "Steel Guitar Rag," Bob Wills called "Take it away, Leon!" on a guitar break and thus was born the famous phrase that has identified Leon McAuliffe ever since; he made recordings, personal appearances, motion pictures, and radio performances with Bob Wills and the Texas Playboys until he joined the Navy in 1942; and

WHEREAS, Following his release from service in 1946, Leon McAuliffe founded his own renowned band, the Cimarron Boys, and embarked upon a successful career of recording, personal appearances, television programs, and regular appearances at Leon's own "Cimarron Ballroom" in Tulsa, Oklahoma; and

WHEREAS, The popularity of Leon McAuliffe and the Cimarron Boys caused them to tour throughout the United States and abroad until the band was disbanded in 1965; and

WHEREAS, Leon McAuliffe was one of seven former Texas Playboys picked by Bob Wills to perform in his final recording session in Fort Worth in December 1973; with the renewed popularity of the Texas Playboys, he was selected to lead them in their personal appearances and thus carry on a great musical tradition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas congratulate and honor Leon McAuliffe for his leadership in his profession and for his contributions to western swing; and, be it further

RESOLVED, That Leon McAuliffe be invited to appear before the Senate to receive in person a copy of this Resolution from the hand of the Lieutenant Governor of Texas.

JONES OF TAYLOR  
McKNIGHT

The resolution was read and was adopted.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

#### SENATE RESOLUTION 296

Senator Jones of Taylor offered the following resolution:

WHEREAS, the Senate of the State of Texas salutes and congratulates its distinguished native son, Hank Thompson, for his outstanding achievements in the country music profession over the past 30 years; and

WHEREAS, Hank Thompson and his Brazos Valley Boys have performed outstanding country music on radio, television, and military bases in the United States, Europe, and Asia; they have performed concerts at county and state fairs throughout the United States, including the State Fair of Texas for ten years and the Texas Prison Rodeo; and

WHEREAS, Hank Thompson has achieved lasting popularity and affection for his outstanding songwriting talent, his musical expertise, especially his guitar work, his professional approach to his livelihood, and his excellent rapport with the public; and

WHEREAS, Many of the songs he has written have become classics; they include "Whoa Sailor," "Humpty Dumpty Heart," "The New Green Light," "Whatever Happened to Mary," and many others; and

WHEREAS, Hank Thompson was born in Waco, Texas, in September of 1925; he called his band the Brazos Valley Boys in honor of the Brazos River that flows through Waco, and this name has been carried throughout the world by the band; and

WHEREAS, Hank Thompson was performing on a Waco radio station when Tex Ritter heard him and assisted him in getting a recording contract, thus launching one of the most successful careers in country music; now, therefore, be it

RESOLVED, That the Senate of the State of Texas congratulate and honor Hank Thompson for the distinction and the honors he has received during his successful career; and, be it further

RESOLVED, That he be invited to appear before the Senate to receive a copy of this Resolution from the hand of the Lieutenant Governor of Texas.

JONES OF TAYLOR  
McKNIGHT

The resolution was read and was adopted.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

**SENATE RESOLUTION 297**

Senator Jones of Taylor offered the following resolution:

WHEREAS, The Senate of the State of Texas salutes and congratulates its native son, Johnny Gimble, for the honor recently conferred upon him for his outstanding achievements in country and western music; and

WHEREAS, In October of 1975, Johnny Gimble was awarded his profession's highest honor for musical ability when he was named "Instrumentalist of the Year" by the Country Music Association in recognition of his fiddle and electric mandolin work in concerts, recording sessions, and television productions; and

WHEREAS, Johnny Gimble, who was born and reared in Bascom, Texas, and who started his musical career in and around Tyler, Texas, has carried on the traditions of country music since about 1940; and

WHEREAS, He has performed with the greatest names in his profession, most notably Bob Wills and the Texas Playboys, whom he joined in 1949; and

WHEREAS, Johnny Gimble is an accomplished songwriter whose heart and talents were most recently heard in his hit song "Under the 'X' in Texas," which he wrote and recorded in Austin, Texas; and

WHEREAS, He was accorded the honor of being asked to perform instrumental solos in Wembley Stadium, England, in 1975; and

WHEREAS, Johnny Gimble, who has shown his love for his home state through his songwriting and the performing of his music, is a credit to his profession and to the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas congratulate and honor Johnny Gimble for the distinction and honors he has received in the profession of country music and for the fame and praise he has brought to Texas; and, be it further

RESOLVED, That he be invited to appear before the Senate to receive a copy of this Resolution from the hand of the Lieutenant Governor of Texas.

JONES OF TAYLOR  
McKNIGHT

The resolution was read and was adopted.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

**SENATE RESOLUTION 300**

Senator Moore offered the following resolution:

WHEREAS, After 24 years of tireless and inspired public service to the State of Texas, former Representative W. G. "Cotton" Kirklin announced his retirement as assistant commissioner of the Texas Department of Mental Health and Mental Retardation, effective March 1, 1977; and

WHEREAS, Born in Shreveport, Louisiana, in 1912, Cotton Kirklin attended school in nearby Mooringsport, where he was graduated from high school in 1929 before going on to attend Texas Christian University and Baylor University, from which he received a business degree in 1936; and

WHEREAS, Following World War II, during which he served as an infantry officer in the rugged European theatre, Cotton Kirklin returned to West Texas where he sold heavy implements, engaged in the oil drilling contracting business, and

conducted irrigation farming before being elected to his first of two terms as a state representative from Ector County in 1953; and

WHEREAS, In 1957, the former member of the Texas Legislature was appointed by Governor Shivers to the executive board for Texas State Hospitals and Special Schools, where he served for six years before being employed by the State Building Commission in 1963; two years later Cotton Kirklin returned to the executive board as an executive director, moving to the newly established Texas Department of Mental Health and Mental Retardation in 1967 as assistant commissioner; and

WHEREAS, His colleagues know Cotton Kirklin an able administrator, an innovative executive, and an engagingly colorful individual whose dedication to helping the unfortunate has played a major role in assuring that all Texans have the maximum in high quality counseling and educational opportunities; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas commend the Honorable W. G. "Cotton" Kirklin on his many years of devoted service to the citizens of this state and convey the wishes of all Texans that his retirement will be a rich and fulfilling experience; and, be it further

RESOLVED, That an official copy of this resolution be prepared for former Representative Kirklin and his wife, Opal, as an expression of esteem from the Senate of the State of Texas.

The resolution was read and was adopted.

#### MESSAGE FROM THE HOUSE

House Chamber  
March 7, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 801**, A bill to be entitled An Act relating to county parks; repealing Article 6078, Revised Civil Statutes of Texas, 1925, as amended, and Chapter 156, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6079b, Vernon's Texas Civil Statutes).

**H.B. 987**, A bill to be entitled An Act relating to the audit of the fiscal affairs of certain special districts created pursuant to Article III, Section 52(b), or Article XVI, Section 59, of the Texas Constitution; amending Sections 50.371, 50.372, 50.374, 50.375, and 50.376, Water Code, as amended; and adding Sections 50.377-50.379 to the Water Code, as amended.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

#### SENATE BILL 456 WITH HOUSE AMENDMENT

Senator Moore called **S.B. 456** from the President's table for consideration of the House amendment to the bill.



The President laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend Section 1 of S.B. 456 by adding the following language after the period on line 15, page 1.

"Notwithstanding the above provisions, a bank which is domiciled in an incorporated or unincorporated city located in two or more counties may change its domicile to any place located within the county of its domicile or within the same city after receiving the approval of the State Banking Board as above provided."

The amendment was read.

Senator Moore moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Ogg, Patman.

**SENATE BILL 30 WITH HOUSE AMENDMENT**

Senator Adams called S.B. 30 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.B. 30 by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. Section 14, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rule 47a, Article 4477, Vernon's Texas civil Statutes), is amended to read as follows:

'Section 14. The standard certificate of birth shall be in such form and shall provide for such items of information as may be prescribed by the State Department of Health. All items prescribed on the certificate of birth are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records. Provided that the name of the father, or any information by which he might be identified, shall not be written into the birth or death certificate of any [illegitimate] child whose mother was not married at the time of conception or birth of the child or has not subsequently married the father, and no man has been declared the father by court order. ~~[and provided further, that any statement that the father of an illegitimate child wishes to make as to its parentage may, when placed in the form of an affidavit, be attached to the original birth record. The state registrar, county clerk, or local registrar shall not issue a certified copy disclosing illegitimacy or otherwise disclose illegitimacy unless the issuance of the certified~~

~~copy or the disclosure is authorized by order of the county court of the county in which the birth, death, or fetal death occurred or unless the person applying for the certified copy is the natural mother of the illegitimate child and such child has not been adopted by other parties.]~~ The State Department of Health shall be specifically authorized to use and to provide upon request to other state agencies records pertaining to all ~~[illegitimate]~~ births in connection with programs to notify the mothers of young children about health needs for the children.

'Subject to the regulations of the State Department of Health, any person: (a) who becomes the legitimate child of its father [legitimated] by the subsequent marriage of its parents; (b) whose parentage has been determined by a court of competent jurisdiction; or (c) adopted under the law existing at the time of adoption in this state or any other state or territory of the United States of America may request the state registrar to file a supplementary certificate of birth on the basis of the status subsequently acquired or established and of which proof is submitted. The application to file a supplementary certificate of birth may be filed by the person, if of age, or a legal representative of the person. The state registrar shall require such proof in these cases as the State Department of Health may by regulation prescribe. The preparation and filing of supplementary certificates of birth based on legitimation, paternity determination, and adoption shall be in accordance with the regulations of the State Department of Health. Provided, however, that when a child is adopted the new birth certificate shall be in the names of the parents by adoption, and the copies of birth certificates or birth records made therefrom shall not disclose the child to be adopted. After the supplementary certificate is filed, any information disclosed from the record shall be made from the supplementary certificate, and access to the original certificate of birth and to the documents filed upon which the supplementary certificate is based shall not be authorized except upon order of a court of competent jurisdiction.

'A certificate of each adoption, annulment of adoption, and revocation of adoption ordered or decreed in this state shall be filed with the state registrar as hereinafter provided. The information necessary to prepare the certificates shall be supplied to the clerk of the court by the petitioner for adoption, annulment of adoption, or revocation of adoption at the time the petition is filed. The clerk of the court shall thereupon prepare the certificate on a form furnished by and containing such items of information as may be determined by the State Department of Health and shall, immediately after the decree becomes final, complete the certificate. On or before the 10th of each month, the clerk shall forward to the state registrar the certificates completed by him for decrees which have become final during the preceding calendar month.

'Provided, that the above provisions shall not, in any way, be construed as affecting the property rights of natural or adoptive parents or of natural or adopted children or as amending, modifying, or repealing any of the present laws of the State of Texas governing descent and distribution of property.

'Subject to the regulations of the State Department of Health, any person whose name has been changed by court order may request the state registrar to attach to the original birth record an amendment reflecting the change of name. The request to attach such amendment may be made by the person, if of age, or a legal representative of the person. The state registrar shall require such proof of change of name as the State Department of Health may by regulation prescribe.'

The amendment was read.

Senator Adams moved to concur in the House amendment.

The motion prevailed.

### **MOTION TO PLACE SENATE BILL 60 ON SECOND READING**

Senator Brooks asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 60**, A bill to be entitled An Act relating to granting authority to the Coordinating Board, Texas College and University System, to contract with teaching hospitals for certain purposes; amending Chapter 61, Texas Education Code, as amended, by adding Subchapter G; amending Sections 73.057, 74.154, and 110.09, Texas Education Code; and declaring an emergency.

There was objection.

Senator Brooks then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 60** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 23, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Aikin, Creighton, Doggett, Farabee, Moore, Patman, Snelson.

Absent: McKnight.

### **SENATE CONCURRENT RESOLUTION 26 ON SECOND READING**

Senator Mauzy moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.C.R. 26** be taken up for consideration at this time:

**S.C.R. 26**, Prohibiting authorization of new public universities or expansion of existing public universities without prior approval of the Coordinating Board, Texas College and University System; urging full funding of existing medical and dental schools to permit expansion to optimum capacities.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Schwartz.

The President laid the resolution before the Senate on its second reading.

The resolution was read second time and was adopted.

### RECORD OF VOTE

Senator Schwartz asked to be recorded as voting "Nay" on the adoption of the resolution.

### SENATE BILL 613 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 613**, Relating to workmen's compensation for employees of The Texas A & M University System; amending Sections 13, 14, and 15 of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 613** by adding a new paragraph at the end of Section 3 as follows:

Notwithstanding these amendments to Section 13, 14 and 15 they shall not deprive the injured workman or his beneficiaries of any benefits or rights that any other state employee would be entitled to that are covered by Article 8309g, V.A.T.S.

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### SENATE BILL 613 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 613** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### SENATE BILL 154 ON SECOND READING

Senator Meier moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 154** be taken up for consideration at this time:

**S.B. 154**, A bill to be entitled An Act relating to the penalties for obtaining welfare benefits or certain welfare information by fraudulent means and penalties for soliciting or charging attorney's fees for representing a client before the State Department of Public Welfare without a license to practice law; and amending Section 34 of The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes).

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Mauzy, Truan.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend S.B. No. 154 by striking all below the enacting clause and substituting the following:

Section 1. Section 34 of the Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 34. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a wilfully false statement or representation or by impersonation, or by other fraudulent means:

"(1) Assistance, services, or treatment to which he is not entitled;

"(2) Assistance, services, or treatment greater than that to which he is justly entitled;

"(3) Or, with intent to defraud, aids or abets in buying, or in any way disposing of the property of a recipient of assistance without the consent of the State Department, or whoever violates Section 32 or Section 33 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not more than Five Hundred Dollars (\$500) [~~One Hundred Dollars (\$100)~~] or be imprisoned for not less than six (6) months, nor more than two (2) years, or be both so fined and imprisoned."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

(Senator Snelson in Chair)

Question - Shall the amendment be adopted?

**MEMORIAL RESOLUTIONS**

**S.R. 302** - by Snelson: Memorial resolution for Ray W. Hodge.

**S.R. 307** - by Schwartz: Memorial resolution for Mrs. Helen Nichols Porter.

**S.R. 308** - by Schwartz: Memorial resolution for Walter F. Remschel, Jr.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 299** - by Doggett: Extending welcome to Reverend Floyd L. Vick.

**S.R. 301** - by Adams: Extending congratulations to John Lee Kent.

**S.R. 303** - by Snelson: Extending congratulations to Future Farmers of America Chapter of Fredericksburg High School.

**S.R. 304** - by Parker: Extending congratulations to Beaumont Hebert Panthers.

**S.R. 305** - by Parker: Extending congratulations to Barbers Hill Eagles.

**S.R. 306** - by Schwartz: Extending congratulations to John Clouser.

**S.R. 309** - by Ogg: Extending congratulations to Mel Tillis.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:12 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX****Sent to Governor**

(March 7, 1977)

**S.C.R. 51**

**S.B. 109**

**S.B. 391**

**THIRTY-FIRST DAY**

(Tuesday, March 8, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.